



Christine A. Amalfe
Director

Gibbons P.C.
One Pennsylvania Plaza
45th Floor, Suite 4515
New York, NY 10119
Direct: 973-596-4829 Fax: +1 973-639-6230
camalfe@gibbonslaw.com

August 7, 2024

LETTER-MOTION (FILED ON ECF)

Honorable Robyn F. Tarnofsky
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street, Room 703
New York, NY 10007

**Re: *Parker v. Bursor*, 24-cv-245 (JGLC) (RFT)
Letter-Motion to File Transcript of August 5, 2024 Oral Argument
Under Seal**

Dear Magistrate Judge Tarnofsky:

This Firm, along with Judd Burstein, P.C., represents Defendants Scott Bursor and Bursor & Fisher, P.A. (collectively, “Defendants”) in the above-referenced matter. We submit this letter-motion pursuant to paragraphs I(D) and III(E) of Your Honor’s Individual Practices in Civil Cases to request that the forthcoming transcript of the oral argument that was held on August 5, 2024 (the “August 5 Transcript”) be filed under seal, and that access to the August 5 Transcript be restricted to the parties (and their counsel) and non-party Ivan Wilzig (“Wilzig”) (and his counsel), subject to reconsideration upon Judge Clarke’s decision on Defendants’ pending renewed motion to seal and to dismiss and strike the operative Complaint (Defendants’ “Motion to Seal and Dismiss”).

By way of background, on January 24, 2024, Your Honor issued a Corrected Report and Recommendation and Opinion and Order directing that if Plaintiff files her complaint before Judge Clarke issues an order addressing Defendants’ motion for a TRO and preliminary injunction to seal the anticipated complaint, that complaint shall be held under seal by the Clerk of the Court until Judge Clarke issues an order on the motion. *See* ECF No. 25. On March 22, 2024, pursuant to Your Honor’s January 24, 2024 Order, Plaintiff filed her Complaint under seal. *See* ECF No. 53-1 (sealed). Thereafter, Judge Clarke issued multiple orders directing that submissions referencing details of the Complaint should be filed under seal pending Judge Clarke’s decision on Defendants’ pending Motion to Seal and Dismiss the Complaint (and their Objections to the Report & Recommendation). *See* ECF Nos. 64, 74, 77; *see also* ECF No. 95.

On July 1, 2024, non-party Ivan Wilzig filed a Motion to Quash the Subpoena that Defendants served on him (Wilzig’s “Motion to Quash”). On July 24, 2024, pursuant to Judge Clarke’s temporary sealing orders, Defendants filed a letter-motion with the Court requesting permission to file their opposition papers to Wilzig’s Motion to Quash under seal and permission to share their sealed opposition papers with Wilzig’s counsel. *See* ECF No. 109. On July 26, 2024, Your Honor granted Defendants’ letter-motion to seal temporarily, subject to

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reconsideration upon Judge Clarke's decision on the pending Motion to Seal and Dismiss the Complaint. *See* ECF No. 114.

On August 5, 2024, Your Honor held a telephonic oral argument on Wilzig's Motion to Quash. During the oral argument, numerous references were made to allegations in the sealed Complaint and related facts and allegations. After the oral argument concluded, the Court issued an Order denying Wilzig's Motion to Quash. *See* ECF No. 122. Later on August 5, 2024, Defendants' counsel ordered a copy of the August 5 Transcript from the court reporter, requesting daily service. Accordingly, Defendants anticipate that a copy of the August 5 Transcript will be prepared for filing in short order.

In anticipation of the completion and filing of the August 5 Transcript, and in light of Judge Clarke's orders temporarily sealing the Complaint pending her decision on Defendants' Motion to Seal and Dismiss the Complaint, Defendants respectfully request that the Court order that the August 5 Transcript be filed under seal temporarily, and that access to the transcript, via ECF and otherwise, be provided only to the parties (and their counsel) and Wilzig (and his counsel), subject to reconsideration upon Judge Clarke's decision on Defendants' pending Motion to seal and Dismiss the Complaint.

We thank the Court for its consideration of this request.

Respectfully submitted,

/s/ Christine A. Amalfe

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cc: All counsel of record (via ECF)